

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
REYNALDO FELIPE,

Plaintiff,

Index No.:

-against-

VERIFIED
COMPLAINT

THE CITY OF NEW YORK, THE NEW YORK CITY
POLICE DEPARTMENT, P.O. RYAN SUNDBLOM
(Shield # 00530), P.O. JASEN PEREZ (Shield #10775),
P.O. ORTIZ (Shield # 12349), P.O. ESCURDO (Shield # 26192),
P.O. FLORES (Shield #14666), P.O. PERDON (Shield #3617) and
P.O. "JOHN DOE"(fictitious name meant to designate police
officer who permitted injury to plaintiff),

Defendants.
-----X

PLAINTIFF, REYNALDO FELIPE, by his attorneys, RASKIN AND KREMINS, L.L.P.,
complaining of defendants, upon information and belief, respectfully alleges as follows:

AS AND FOR A FIRST CAUSE OF ACTION

1. That at all times hereinafter mentioned, plaintiff, REYNALDO FELIPE, was and is
a resident of the County of Bronx, City and State of New York.

2. That at all times hereinafter mentioned, defendant, THE CITY OF NEW YORK, was
and still is a municipal corporation duly organized and existing under and by virtue of the laws of
the State of New York.

3. That at all times hereinafter mentioned, defendant, THE NEW YORK CITY POLICE
DEPARTMENT, was and still is a municipal corporation duly organized and existing under and by
virtue of the laws of the State of New York.

4. That at all times hereinafter mentioned, defendant, P.O. RYAN SUNDBLOM
(Shield # 00530), was employed by defendant, THE CITY OF NEW YORK.

5. That at all times hereinafter mentioned, defendant, P.O. JASEN PEREZ (Shield

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COUNTY OF BRONX

#10775), was employed by defendant, THE CITY OF NEW YORK.

6. That at all times hereinafter mentioned, defendant, P.O. ORTIZ (Shield # 12349), was employed by defendant, THE CITY OF NEW YORK.

7. That at all times hereinafter mentioned, defendant, P.O. ESCURDO (Shield # 26192), was employed by defendant, THE CITY OF NEW YORK.

8. That at all times hereinafter mentioned, defendant, P.O. FLORES (Shield #14666), was employed by defendant, THE CITY OF NEW YORK.

9. That at all times hereinafter mentioned, defendant, P.O. PERDON (Shield #3617) , was employed by defendant, THE CITY OF NEW YORK.

10. That at all times hereinafter mentioned, defendant, P.O. "JOHN DOE", was employed by defendant, THE CITY OF NEW YORK.

11. That at all times hereinafter mentioned, defendants, P.O. RYAN SUNDBLOM (Shield # 00530), was employed by defendant, THE NEW YORK CITY POLICE DEPARTMENT.

12. That at all times hereinafter mentioned, defendants, P.O. JASEN PEREZ (Shield #10775), were employed by defendant, THE NEW YORK CITY POLICE DEPARTMENT.

13. That at all times hereinafter mentioned, defendants, P.O. ORTIZ (Shield # 12349), was employed by defendant, THE NEW YORK CITY POLICE DEPARTMENT.

14. That at all times hereinafter mentioned, defendants, P.O. ESCURDO (Shield # 26192), was employed by defendant, THE NEW YORK CITY POLICE DEPARTMENT.

15. That at all times hereinafter mentioned, defendants, P.O. FLORES (Shield #14666), was employed by defendant, THE NEW YORK CITY POLICE DEPARTMENT.

16. That at all times hereinafter mentioned, defendants, P.O. PERDON (Shield #3617), was employed by defendant, THE NEW YORK CITY POLICE DEPARTMENT.

17. That at all times hereinafter mentioned, defendants, P.O. "JOHN DOE", was employed by defendant, THE NEW YORK CITY POLICE DEPARTMENT.

18. That on the 18th day of January, 2012, a Notice of Claim was duly served upon the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT pursuant to Section 50-H of the General Municipal Law.

19. That plaintiff has complied with all conditions precedent to the commencement of this action, and in particular, within ninety (90) days of this occurrence plaintiff has served a Notice of Claim with defendants, more than thirty (30) days have elapsed since the presentation of his claim, and oral examination of plaintiff was held on April 25, 2011 pursuant to Section 50-H of the General Municipal Law.

20. That defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, have neglected and/or refused to make adjustments or payment pursuant to plaintiff's claim and that less than one year and ninety (90) days have elapsed since the accrual of the cause of action herein set forth.

21. That at all times hereinafter mentioned, defendant, P.O. RYAN SUNDBLOM (Shield # 00530), was a member of THE NEW YORK CITY POLICE DEPARTMENT and acting within the scope of his employment.

22. That at all times hereinafter mentioned, defendant, P.O. JASEN PEREZ (Shield #10775), was a member of THE NEW YORK CITY POLICE DEPARTMENT and acting within the scope of his employment.

23. That at all times hereinafter mentioned, defendant, P.O. ORTIZ (Shield # 12349), was a member of THE NEW YORK CITY POLICE DEPARTMENT and acting within the scope of his employment.

24. That at all times hereinafter mentioned, defendant, P.O. ESCURDO (Shield # 26192), was a member of THE NEW YORK CITY POLICE DEPARTMENT and acting within the scope of his employment.

25. That at all times hereinafter mentioned, defendant, P.O. FLORES (Shield #14666), was a member of THE NEW YORK CITY POLICE DEPARTMENT and acting within the scope of his employment.

26. That at all times hereinafter mentioned, defendant, P.O. PERDON (Shield #3617), was a member of THE NEW YORK CITY POLICE DEPARTMENT and acting within the scope of his employment.

27. That at all times hereinafter mentioned, defendant, P.O. "JOHN DOE," was a member of THE NEW YORK CITY POLICE DEPARTMENT and acting within the scope of his employment.

28. That on or about October 24, 2011, at approximately 4:00 P.M., defendants P.O. RYAN SUNDBLOM (Shield # 00530), P.O. JASEN PEREZ (Shield #10775), P.O. ORTIZ (Shield # 12349), P.O. ESCURDO (Shield # 26192), P.O. FLORES (Shield #14666), P.O. PERDON (Shield #3617), and P.O. "JOHN DOE" came to be present at 2435 Creston Avenue, in the County of Bronx, City and State of New York, during the normal course of their employment with defendants, THE CITY OF NEW YORK and/or THE NEW YORK CITY POLICE DEPARTMENT.

29. That on or about October 24, 2011, at approximately 4:00 P.M., plaintiff was lawfully in his apartment at 2435 Creston Avenue, Apt. D12, in the County of Bronx, City and State of New York.

30. That on or about October 24, 2011, at approximately 4:00 P.M., as a result of the wrongful, willful, reckless, careless and negligent acts of defendants herein, their agents, servants

and/or employees, plaintiff sustained severe and permanent personal injuries.

31. That the foregoing occurred solely and wholly as a result of the negligence of defendants herein, their agents servants and/or employees, and without any negligence on the part of the plaintiff contributing thereto.

32. That the defendants, their agents, servants and/or employees were negligent and careless in hiring, supervising, controlling, maintaining, training, educating, interviewing and investigating their agents, servants and/or employees; in negligently and carelessly failing to direct their agents, servants and/or employees not to use improper and/or excessive force; in negligently and carelessly, willfully and wrongfully causing, permitting and allowing plaintiff to be subjected to assault and battery, traumatized, pushed, shoved, tackled, falsely arrested and wrongfully imprisoned causing injury, emotional and psychological damage; in negligently and carelessly causing, permitting and allowing employees and/or personnel who were negligently trained to use improper and/or excessive force; in negligently and carelessly using improper and/or excessive force; in negligently and carelessly failing to adequately train police officers and/or other personnel for the public's safety, including plaintiff herein; in denying prompt and necessary medical attention; and in being otherwise careless and negligent.

33. That by reason of the foregoing, the plaintiff became sick, sore, lame and disabled; plaintiff has received permanent personal, emotional and psychological injuries that will continue for some time to come; plaintiff will expend significant sums of money for required medical attention and aid in an endeavor to be cured; and that plaintiff was caused to suffer great psychological injury, emotional agony and mental anguish and verily believes that same will continue for a long time to come, all to his damage in a sum which exceeds the jurisdictional limits of all lower courts.

AS AND FOR A SECOND CAUSE OF ACTION

34. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 33 of the complaint herein with the same force and effect as if set forth herein at length.

35. That the defendants, P.O. RYAN SUNDBLOM (Shield # 00530), P.O. JASEN PEREZ (Shield #10775), P.O. ORTIZ (Shield # 12349), P.O. ESCURDO (Shield # 26192), P.O. FLORES (Shield #14666), P.O. PERDON (Shield #3617) and P.O. "JOHN DOE", acting under the color of authority and without provocation, viciously and maliciously attacked the plaintiff causing him to suffer serious, severe, permanent personal injuries and extreme conscious physical, mental and emotional pain and suffering, and required, and will require, hospitalization, medical care and treatment.

36. That the defendants, P.O. RYAN SUNDBLOM (Shield # 00530), P.O. JASEN PEREZ (Shield #10775), P.O. ORTIZ (Shield # 12349), P.O. ESCURDO (Shield # 26192), P.O. FLORES (Shield #14666), P.O. PERDON (Shield #3617) and P.O. "JOHN DOE", acting under the color of authority and without provocation, viciously and maliciously assaulted the plaintiff causing him to suffer serious, severe, permanent and extreme conscious physical, mental and emotional pain and suffering, and required, and will require, hospitalization, medical care and treatment.

37. That by reason of the foregoing, the plaintiff became sick, sore, lame and disabled; plaintiff has received permanent personal, emotional and psychological injuries that will continue for some time to come; plaintiff will expend significant sums of money for required medical attention and aid in an endeavor to be cured; and that plaintiff was caused to suffer great psychological injury, emotional agony and mental anguish and verily believes that same will continue for a long time to come, all to his damage in a sum which exceeds the jurisdictional limits

of all lower courts.

AS AND FOR A THIRD CAUSE OF ACTION

38. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 37 of the complaint herein with the same force and effect as if set forth herein at length.

39. That the defendants, P.O. RYAN SUNDBLOM (Shield # 00530), P.O. JASEN PEREZ (Shield #10775), P.O. ORTIZ (Shield # 12349), P.O. ESCURDO (Shield # 26192), P.O. FLORES (Shield #14666), P.O. PERDON (Shield #3617) and P.O. "JOHN DOE", acting under the color of authority and without provocation, viciously and maliciously beat the plaintiff causing him to suffer serious, severe, permanent personal injuries and extreme conscious physical, mental and emotional pain and suffering, and required, and will require, hospitalization, medical care and treatment.

40. That the defendants, P.O. RYAN SUNDBLOM (Shield # 00530), P.O. JASEN PEREZ (Shield #10775), P.O. ORTIZ (Shield # 12349), P.O. ESCURDO (Shield # 26192), P.O. FLORES (Shield #14666), P.O. PERDON (Shield #3617) and P.O. "JOHN DOE", acting under the color of authority and without provocation, viciously and maliciously battered the plaintiff causing him to suffer serious, severe, permanent personal injuries and extreme conscious physical, mental and emotional pain and suffering, and required, and will require, hospitalization, medical care and treatment.

41. That by reason of the foregoing, the plaintiff became sick, sore, lame and disabled; plaintiff has received permanent personal, emotional and psychological injuries that will continue for some time to come; plaintiff will expend significant sums of money for required medical attention and aid in an endeavor to be cured; and that plaintiff was caused to suffer great

psychological injury, emotional agony and mental anguish and verily believes that same will continue for a long time to come, all to his damage in a sum which exceeds the jurisdictional limits of all lower courts.

AS AND FOR A FOURTH CAUSE OF ACTION

42. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 41 of the complaint herein with the same force and effect as if set forth herein at length.

43. That the defendants, P.O. RYAN SUNDBLOM (Shield # 00530), P.O. JASEN PEREZ (Shield #10775), P.O. ORTIZ (Shield # 12349), P.O. ESCURDO (Shield # 26192), P.O. FLORES (Shield #14666), P.O. PERDON (Shield #3617) and P.O. "JOHN DOE", acting under the color of authority and without provocation, viciously and maliciously falsely arrested the plaintiff, wrongfully depriving plaintiff of his liberty.

44. That by reason of the foregoing, the plaintiff became sick, sore, lame and disabled; plaintiff has received permanent personal, emotional and psychological injuries that will continue for some time to come; plaintiff will expend significant sums of money for required medical attention and aid in an endeavor to be cured; and that plaintiff was caused to suffer great psychological injury, emotional agony and mental anguish and verily believes that same will continue for a long time to come, all to his damage in a sum which exceeds the jurisdictional limits of all lower courts.

AS AND FOR A FIFTH CAUSE OF ACTION

45. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 44 of the complaint herein with the same force and effect as if set forth herein at length.

46. That the defendants, P.O. RYAN SUNDBLOM (Shield # 00530), P.O. JASEN PEREZ (Shield #10775), P.O. ORTIZ (Shield # 12349), P.O. ESCURDO (Shield # 26192), P.O. FLORES (Shield #14666), P.O. PERDON (Shield #3617) and P.O. "JOHN DOE", acting under the color of authority and without provocation, viciously and maliciously falsely imprisoned the plaintiff, for approximately one (1) day, wrongfully depriving plaintiff of his liberty.

47. That the plaintiff was conscious of his confinement, did not consent to his confinement, and the confinement was not otherwise privileged or with just or probable cause.

48. That by reason of the foregoing, the plaintiff became sick, sore, lame and disabled; plaintiff has received permanent personal, emotional and psychological injuries that will continue for some time to come; plaintiff will expend significant sums of money for required medical attention and aid in an endeavor to be cured; and that plaintiff was caused to suffer great psychological injury, emotional agony and mental anguish and verily believes that same will continue for a long time to come, all to his damage in a sum which exceeds the jurisdictional limits of all lower courts.

AS AND FOR A SIXTH CAUSE OF ACTION

49. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 48 of the complaint herein with the same force and effect as if set forth herein at length.

50. That the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, acting under the color of authority and without provocation, viciously and maliciously falsely prosecuted the plaintiff, wrongfully depriving plaintiff of his liberty and due process of law.

51. That the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY

POLICE DEPARTMENT, acting under the color of authority and without provocation, viciously and maliciously falsely compelled the plaintiff to appear in public and in court, wrongfully humiliating the plaintiff herein and depriving him of his liberty and due process of law.

52. That by reason of the foregoing, the plaintiff became sick, sore, lame and disabled; plaintiff has received permanent personal, emotional and psychological injuries and will continue to be so for some time to come; plaintiff will expend significant sums of money for required medical attention and aid in an endeavor to be cured; and that plaintiff was caused to suffer great psychological injury, emotional agony and mental anguish and verily believes that same will continue for a long time to come, all to their damage in the sum which exceeds the jurisdictional limits of all lower courts.

AS AND FOR A SEVENTH CAUSE OF ACTION

53. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 52 of the complaint herein with the same force and effect as if set forth herein at length.

54. That the aforementioned acts of defendants, under color of law and under color of their authority as employees, agents and/or servants of THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, violated plaintiff's property and liberty interests guaranteed to the plaintiff as a citizen of the United States under the Fourteenth Amendment to the United States Constitution, and are therefore liable pursuant to 42 U.S.C. § 1983.

55. That the aforementioned acts of defendants, under color of law and under color of their authority as employees, agents and/or servants of THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, violated plaintiff's property and liberty interests guaranteed to the plaintiff as a resident of the State of New York under Article 1, Section 6 of the Constitution

of the State of New York.

56. That by reason of the foregoing, the plaintiff became sick, sore, lame and disabled; plaintiff has received permanent personal, emotional and psychological injuries and will continue to be so for some time to come; plaintiff will expend significant sums of money for required medical attention and aid in an endeavor to be cured; and that plaintiff was caused to suffer great psychological injury, emotional agony and mental anguish and verily believes that same will continue for a long time to come, all to their damage in the sum which exceeds the jurisdictional limits of all lower courts.

AS AND FOR A EIGHTH CAUSE OF ACTION

57. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 56 of the complaint herein with the same force and effect as if set forth herein at length.

58. That the aforementioned acts of defendants, under color of law and under color of their authority as employees, agents and/or servants of THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, violated plaintiff's right to equal protection under the law guaranteed to the plaintiff as a citizen of the United States under the Fourteenth Amendment to the United States Constitution, and are therefore liable pursuant to 42 U.S.C. § 1983.

59. That the aforementioned acts of defendants, under color of law and under color of their authority as employees, agents and/or servants of THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, violated plaintiff's right to equal protection under the law guaranteed to the plaintiff as a resident of the State of New York under Article 1, Section 11 of the Constitution of the State of New York.

60. That by reason of the foregoing, the plaintiff became sick, sore, lame and disabled;

plaintiff has received permanent personal, emotional and psychological injuries and will continue to be so for some time to come; plaintiff will expend significant sums of money for required medical attention and aid in an endeavor to be cured; and that plaintiff was caused to suffer great psychological injury, emotional agony and mental anguish and verily believes that same will continue for a long time to come, all to her damage in the sum which exceeds the jurisdictional limits of all lower courts.

AS AND FOR A NINTH CAUSE OF ACTION

61. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 60 of the complaint herein with the same force and effect as if set forth herein at length.

62. That by reason of the foregoing acts and/or omissions of defendants in violation of the Fourteenth Amendment to the United States Constitution, plaintiff has been forced to bring this lawsuit to enforce 42 U.S.C. § 1983 and as a result thereof has suffered significant economic loss in the form of attorney's fees.

63. That pursuant to 42 U.S.C. § 1983, plaintiff is entitled to reasonable attorney's fees as part of costs.

AS AND FOR A TENTH CAUSE OF ACTION

64. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 63 of the complaint herein with the same force and effect as if set forth herein at length.

65. That at all times hereinafter mentioned, defendants, without cause or justification, did intentionally inflict emotional distress upon plaintiff, causing plaintiff to suffer mental pain and anguish, emotional trauma and conscious pain and suffering.

66. That at all times herein after mentioned, defendants, without cause or justification, did negligently inflict emotional distress upon plaintiff, causing plaintiff to suffer mental pain and anguish, emotional trauma and conscious pain and suffering.

67. That by reason of the foregoing, the plaintiff became sick, sore, lame and disabled; plaintiff has received permanent personal, emotional and psychological injuries and will continue to be so for some time to come; plaintiff will expend significant sums of money for required medical attention and aid in an endeavor to be cured; and that plaintiff was caused to suffer great psychological injury, emotional agony and mental anguish and verily believes that same will continue for a long time to come, all to their damage in the sum which exceeds the jurisdictional limits of all lower courts.

WHEREFORE, plaintiff, REYNALDO FELIPE, demands judgement against the defendants, THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, P.O. RYAN SUNDBLOM (Shield # 00530), P.O. JASEN PEREZ (Shield #10775), P.O. ORTIZ (Shield # 12349), P.O. ESCURDO (Shield # 26192), P.O. FLORES (Shield #14666), P.O. PERDON (Shield #3617) and P.O. "JOHN DOE", in an amount which exceeds the jurisdictional limits of all lower courts, together with the costs, interest and disbursements of this action, and for such other and further relief as to this Court may deem just, proper and equitable.

Dated : New York, New York
July 31, 2012

Yours, etc.,
RASKIN AND KREMINS, L.L.P.



MICHAEL F. KREMINS, ESQ.

Attorneys for Plaintiff

REYNALDO FELIPE

160 Broadway - 4th Floor

New York, New York 10038

(212) 587-3434

Our File No.: N-4147

ATTORNEY'S VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

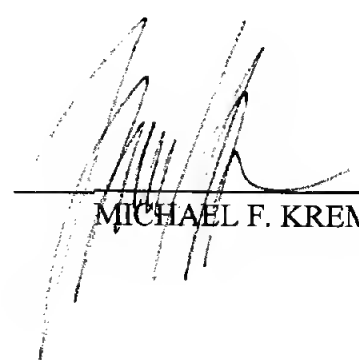
MICHAEL F. KREMINS, affirms under the penalties of perjury the following:

That I am a member of RASKIN & KREMINS, L.L.P., attorneys for plaintiff herein.

That I have read and know the contents of the foregoing VERIFIED SUMMONS and COMPLAINT, that the same is true to my own knowledge except as to the matters therein stated to be alleged on information and belief and that as to those matters I believe it be true.

That the reason why this verification is made by your affirmant instead of by the plaintiff is because the plaintiff is not within the County of New York, which is the County where your affirmant has his office. Your affirmant further says that the grounds of the belief as to all matters in the said VERIFIED SUMMONS and COMPLAINT are statements of said plaintiff's papers and records in his possession, and a general investigation of the facts of this case.

Dated: New York, New York
July 31, 2012



MICHAEL F. KREMINS

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX**

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"JOHN DOE"(fictitious name meant to designate police officer who permitted
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Defendants.

VERIFIED SUMMONS AND COMPLAINT

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